THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.22602 OF 2007

Dated 29th October, 2007

Between:

M/s Sidhartha Enterprises …Petitioner

And

The Joint Commissioner of Commercial Taxes and two others

…Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.22602 OF 2007

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The grievance of the petitioner is that pending disposal of the stay application filed by him before the first respondent and also the appeal before the second respondent, the third respondent had issued a garnishee notice under Section 17 of the Andhra Pradesh General Sales Tax Act attaching all the bank accounts of the petitioner for the payment of the disputed tax. Hence, he approached this Court by way of this writ petition.

We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would be met if the garnishee notice is set aside and stay of recovery of the disputed tax is granted pending disposal of the appeal before the second respondent, subject to deposit of 50 per cent of the disputed tax by the petitioner. Therefore, we direct that 50 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay of recovery and the impugned garnishee notice shall also not be given effect to. If the amount is deposited within the time as stipulated hereinabove, the stay of

recovery shall continue till disposal of the appeal and the impugned garnishee notice shall also stand set aside, The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No order as to costs.

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Bilal Nazki,J

Dated 29th October, 2007

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Ramesh Ranganathan,J

Note: Issue wire at party's cost

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